

PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF

HABEAS CORPUS BY A PERSON IN STATE CUSTODY

UNITED STATES DISTRICT COURT DISTRICT OF UTAH		FILED IN UNITED STATES DISTRICT COURT, DISTRICT OF UTAH	
JACOB MUT BOLITH		District	
Name (under which you were convicted):		Docket or Case No.:	
UTAH STATE PRISON AND HOUSE ARREST		MAR 27 2012	
Place of Confinement:		Prisoner No.:	
JACOB MUT BOLITH # 433101185722		433101185722	
		DEPUTY CLERK	
Petitioner (include the name under which you were convicted)		Respondent (authorized person having custody of petitioner)	
v.			
STATE OF UTAH ATTORNEY GENERAL OF THE STATE OF UTAH			
The Attorney General of the State of			

PETITION

- Name and location of court that entered the judgment of conviction you are challenging: THE SALT LAKE THIRD DISTRICT COURT FOR SALT LAKE COUNTY
THE CASE NO 040905600
 - Criminal docket or case number (if you know): CASE NO 040905600
 - Date of the judgment of conviction (if you know): JUNE 16 - 2008
 - Date of sentencing: AUGUST 25 - 2008
 - Length of sentence: ONE - TO FIFTEEN YEAR UTAH STATE PRISONER
 - In this case, were you convicted on more than one count or of more than one crime? Yes ☐ No ☒
 - Identify all crimes of which you were convicted and sentenced in this case: ONE COUNT OF FORCIBLE SEXUAL ABUSE AS SECOND DEGREE FELONY COUNT
-
- What was your plea? (Check one)

(1) Not guilty <input type="checkbox"/>	(3) Nolo contendere (no contest) <input type="checkbox"/>
(2) Guilty <input checked="" type="checkbox"/>	(4) Insanity plea <input type="checkbox"/>
 - If you entered a guilty plea to one count or charge and a not guilty plea to another count or charge, what did you plead guilty to and what did you plead not guilty to? FORCIBLE SEXUAL ABUSE AND NOT PLEA TO FIRST DEGREE FELONY COUNT OF RAPE AND CLASS A MISDEMEANOR COUNT OF LEWDNESS PETITIONER WAS COERCED TO ENTERED TO SECOND DEGREE FELONY COUNT OF

Case: 2:12-cv-00303
Assigned To : Stewart, Ted
Assign. Date : 3/27/2012
Description: Bolith v. State of Utah

FORCIBLE SEXUAL ABUSE TO WHICH THE PETITIONER HIS
CHALLENGE THE CONVICTION

(c) If you went to trial, what kind of trial did you have? (Check one)

Jury ☒ Judge only ☐

7. Did you testify at a pretrial hearing, trial, or a post-trial hearing?

Yes ☐ No ☒

8. Did you appeal from the judgment of conviction?

Yes ☒ No ☐

9. If you did appeal, answer the following:

(a) Name of court: LITAH COURT OF APPEAL

(b) Docket or case number (if you know): THE CASE NO 20080834-CA

(c) Result: LITAH COURT OF APPEAL DISMISS LACKS OF JURISDICTION

(d) Date of result (if you know): 23 OF OCTOBER 2008

(e) Citation to the case (if you know): MILLER VS STATE 2009 UT APP 341, 643

(f) Grounds raised: THE DIRECT APPEAL WAS WHETHER PETITIONER HIS
GUILTY PLEA ENTERED KNOWINGLY VOLUNTARILY AND INTELLIGENTLY
TO WHETHER HIS PLEA GUILTY ENTERED KNOWINGLY INTELLIGENTLY
AND VOLUNTARILY AND WHETHER PETITIONER HIS COUNSEL OR
RENDER INEFFECTIVE ASSISTANCE OF COUNSEL IN RELATION TO
ENTRY HIM OF THE PLEA AGREEMENT

(g) Did you seek further review by a higher state court? Yes ☐ No ☒

If yes, answer the following:

(1) Name of court: _____

(2) Docket or case number (if you know): _____

(3) Result: LITAH COURT OF APPEAL DIRECT THE PETITIONER TO PURSUE
THIS CASE UNDER LITAH POSTCONVICTION RELIEF REMEDIES ACT

(4) Date of result (if you know): _____

(5) Citation to the case (if you know): ST. BENEDICT'S DEV CO VS ST BENEDICT'S HOSPITAL
511 P.2d 194, 196 (UTAH 1991)

(6) Grounds raised: TO WHETHER PETITIONER HIS COUNSEL RENDER INEF-
EFFECTIVE ASSISTANCE OF COUNSEL IN RELATION TO ENTERED HIM
OF THE PLEA GUILTY

(h) Did you file a petition for certiorari in the United States Supreme Court? Yes ☐ No ☒

If yes, answer the following:

(1) Docket or case number (if you know): _____

(2) Result: _____

(3) Date of result (if you know): _____

(4) Citation to the case (if you know): _____

10. Other than the direct appeals listed above, have you previously filed any other petitions, applications, or motions concerning this judgment of conviction in any state court?

Yes ☐ No ☒

11. If your answer to Question 10 was "Yes," give the following information:

(a) (1) Name of court: _____

(2) Docket or case number (if you know): _____

(3) Date of filing (if you know): _____

(4) Nature of the proceeding: BOTH STATE COURT DISMISS POSTCONVICTION

(5) Grounds raised: NO THE CONVICTION OBTAINED BY PLEA OF GUILTY THAT WAS UNLAWFUL INDUCED NOT MADE VOLUNTARILY WITH THE UNDERSTANDING OF THE NATURE OF THE CHARGE AND THE CONSEQUENCE OF THE GUILTY PLEA

(6) Did you receive a hearing where evidence was given on your petition, application, or motion? Yes ☐ No ☒

(7) Result: _____

(8) Date of result (if you know): _____

- (b) If you filed any second petition, application, or motion, give the same information:

(1) Name of court: SALT LAKE COUNTY THIRD DISTRICT COURT

(2) Docket or case number (if you know): CASE NO 090405600

(3) Date of filing (if you know): 4-6-2004

(4) Nature of the proceeding: POSTCONVICTION RELIEF REMEDY ACT

(5) Grounds raised: THE PLEA AGREEMENT ENTERED UN-KNOWINGLY UNWILLINGLY AND UN-INTELLIGENTLY THE PETITIONER ENTERED A PLEA AGREEMENT TO A SECOND DEGREE FORCIBLE SEXUAL ABUSE NOT KNOWING AND INTELLIGENTLY UNDERSTANDING THE CONSEQUENCE OF HIS PLEA AND THE DENIAL OF THE

EFFECTIVE ASSISTANCE OF COUNSELOR AND THE RIGHT
TO THE APPEAL.

(6) Did you receive a hearing where evidence was given on your petition, application, or motion? Yes ☐ No ☒

(7) Result: _____

(8) Date of result (if you know): _____

(c) If you filed any third petition, application, or motion, give the same information:

(1) Name of court: UTAH COURT OF APPEAL

(2) Docket or case number (if you know): CASE NO 20100534-CA

(3) Date of filing (if you know): OCTOBER-15-2010

(4) Nature of the proceeding: POSTCONVICTION RELIEF REMEDIES ACT

(5) Grounds raised: THE PETITIONER IS FROM AFRICA AND OF AFRICAN
DECEANCY ALTHOUGH THE PETITIONER CAN SPEAK ENGLISH
HE WAS NOT AND IS NOT FAMILIAR WITH THE U.S. JUSTICE
SYSTEM AND UNFAMILIAR WITH MANY OF THE PHRASES AND WORDS
USED DURING HIS PLEA HEARING; AS A RESULT THE PETITIONER
WAS COERCED INTO ENTERED A PLEA AGREEMENT UN-INTE-
LLIGENTLY, UN-KNOWINGLY AND UN-WILLINGLY

(6) Did you receive a hearing where evidence was given on your petition, application, or motion? Yes ☐ No ☒

(7) Result: _____

(8) Date of result (if you know): _____

(d) Did you appeal to the highest state court having jurisdiction over the action taken on your petition, application, or motion?

(1) First petition: Yes ☒ No ☐

(2) Second petition: Yes ☒ No ☐

(3) Third petition: Yes ☒ No ☐

(e) If you did not appeal to the highest state court having jurisdiction, explain why you did not:

OTHER APPEAL WITH THE UTAH COURT OF THE APPEAL
CASE NO 2010216-CA DATE MARCH 15-2011

12. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

CAUTION: To proceed in the federal court, you must ordinarily first exhaust (use up) your available state-court remedies on each ground on which you request action by the federal court. Also, if you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.

GROUND ONE: PLEA AGREEMENT ENTERED UN-KNOWINGLY UN-WILLINGLY AND UN-INTELLIGENTLY

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

THE PETITIONER ENTERED A PLEA AGREEMENT TO A SECOND DEGREE FORCIBLE SEXUAL ABUSE NOT KNOWINGLY AND INTELLIGENTLY UNDERSTANDING THE CONSEQUENCES OF HIS PLEA; THE PROSECUTION HAVE DISCLOSE TO THE DEFENDANT EVIDENCE FAVORABLE TO THE PETITIONER AND THE DENIAL OF EFFECTIVE ASSISTANCE OF COUNSEL AND THE DENIAL OF THE RIGHT TO APPEAL

(b) If you did not exhaust your state remedies on Ground One, explain why: EVERY STATE REMEDY WERE FULL-FILLED

(c) Direct Appeal of Ground One:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☒ No ☐

(2) If you did not raise this issue in your direct appeal, explain why: _____

(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court? Yes ☒ No ☐

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: POSTCONVICTION RELIEF PETITION AND MOTION

Name and location of the court where the motion or petition was filed: SALT LAKE COUNTY 3RD DISTRICT COURT OF SALT LAKE STATE OF UTAH

Docket or case number (if you know): CASE NO 090905600

Date of the court's decision: AUGUST 27 - 2010

Result (attach a copy of the court's opinion or order, if available): 3RD DISTRICT COURT HAS DISMISS THE PETITION FOR POSTCONVICTION RELIEF DATE SEPTEMBER 30 - 2010

(3) Did you receive a hearing on your motion or petition?

Yes ☐ No ☒

(4) Did you appeal from the denial of your motion or petition?

Yes ☒ No ☐

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes ☒ No ☐

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: UTAH COURT OF APPEALS

Docket or case number (if you know): CASE NO 20100534 - CA

Date of the court's decision: JANUARY 21 - 2010

Result (attach a copy of the court's opinion or order, if available): UTAH COURT OF APPEALS AFFIRM THE DISMISSAL OF THE PETITION FOR POST CONVICTION RELIEF DATED FEBRUARY 15 - 2011

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e) Other Remedies: Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground One: PETITION FOR WRIT OF HABEAS CORPUS WAS FILED WITH SUPREME COURT OF UTAH DATED FEBRUARY 7 - 2011 CASE NO 20110151 - SC

GROUND TWO: THE PETITIONER HIS COUNSELOR WAS INEFFECTIVE IN HIS REPRESENTATION OF THE PETITIONER

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

THE PETITIONER HIS COUNSELOR WAS INEFFECTIVE IN HIS REPRESENTATION OF THE PETITIONER IN THAT COUNSEL FAILED TO INTERVIEW AND SPEAK TO WITNESSES THAT PETITIONER PROVIDE TO THE DEFENSE COUNSEL NAMELY CO-WORKERS WHO WERE ON

DUTY WITH PETITIONER AT TIME OF THE ALLEGED CRIME AND THE NURSE IMMEDIATE SUPERVISOR ON DUTY AND THE ROOMMATE OF THE ALLEGED VICTIM WHO REPORTEDLY IN ROOM AT TIME OF THE ALLEGED CRIME.

(b) If you did not exhaust your state remedies on Ground Two, explain why: EVERY STATE REMEDIES ARE FULL-FILLED NOT ONE NOT TWICE NOT 3RD FOURTH TIME DIRECT APPEALS HAS DENIAL AND POSTCONVICTION WAS APPEALS TWICE

(c) Direct Appeal of Ground Two:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☒ No ☐

(2) If you did not raise this issue in your direct appeal, explain why: EVERY ISSUES HAS RAISE UNDER STATE LEVEL ALL STATE COURT INCLUDING SUPREME COURT OF UTAH

(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

Yes ☒ No ☐

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: MOTION TO OBJECT AND PETITION OF BOTH

Name and location of the court where the motion or petition was filed: SALT LAKE COUNTY 3RD DISTRICT TRIAL AND UTAH SUPREME COURT AND APPEALS

Docket or case number (if you know): 20110215-CA 01 20110151-SC

Date of the court's decision: APPEALS COURT DATED 1-21-2011 UTAH SUPREME COURT DATED MAY 11-2011

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion or petition?

Yes ☐ No ☒

(4) Did you appeal from the denial of your motion or petition?

Yes ☒ No ☐

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes ☒ No ☐

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: UTAH SUPREME COURT CAS

Docket or case number (if you know): CASE NO 20110151-SC

Date of the court's decision: MAY 9 - 2011

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue: _____

- (e) Other Remedies: Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Two: PETITION FOR WRIT OF CERTIORARI

GROUND THREE: THE PETITIONER CONVICTION AS RESULT OF COUNSEL FAILURE TO INTERVIEW THE PETITIONER HIS WITNESSES AND ADEQUATELY

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

THE PETITIONER HIS CONVICTION AS A RESULT OF THE COUNSEL FAILURE TO INTERVIEW THE PETITIONER HIS WITNESSES AND ADEQUATELY REVIEW A DEFENSE FOR THE CHARGES AGAINST THE PETITIONER; THE DEFENSE COUNSEL CANNOT TRULY RECOMMEND THAT PETITIONER ENTERED INTO A PLEA AGREEMENT THIS COUNSEL WAS INADEQUATELY INEFFECTIVE FAILED TO MEET THE

STANDARDS OF PETITIONER HIS TOTAL INNOCENCE OF THE CRIME
(b) If you did not exhaust your state remedies on Ground Three, explain why: UNDER STATE COURT REMEDIE ARE DONE; THE PETITIONER HIS DUE PROCESS RIGHTS TO EFFECTIVE ASSISTANCE OF COUNSEL HAS BEEN VIOLATED THIS COURT SHOULD ALLOWED TO PROCEEDING

(c) Direct Appeal of Ground Three:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☒ No ☐

(2) If you did not raise this issue in your direct appeal, explain why: _____

(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court? Yes ☒ No ☐

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: POST-CONVICTION RELIEF AND MOTION OF ALL

Name and location of the court where the motion or petition was filed: SALT LAKE 3RD DISTRICT TRIAL COURT

Docket or case number (if you know): CASE NO 090905600

Date of the court's decision: AT SEPTEMBER 30 - 2010

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion or petition?

Yes ☐ No ☒

(4) Did you appeal from the denial of your motion or petition?

Yes ☒ No ☐

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes ☒ No ☐

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: UTAH COURT OF APPEALS

Docket or case number (if you know): CASE 20100834-CA

Date of the court's decision: JANUARY 21 - 2011

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue: _____

(e) Other Remedies: Describe any other procedures (such as habeas corpus, administrative

remedies, etc.) that you have used to exhaust your state remedies on Ground Three: PETITION OF WRIT CERTIORARI TO UTAH SUPREME COURT

GROUND FOUR: PETITIONER IS FROM AFRICA AND OF AFRICAN DESCENT
ALTHOUGH THE PETITIONER CAN SPEAK ENGLISH HE WAS NOT

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

THE PETITIONER IS FROM AFRICA AND OF AFRICAN DESCENT ALTHOUGH
THE PETITIONER CAN SPEAK ENGLISH HE WAS NOT AND
IS NOT FAMILIAR WITH THE U.S. JUSTICE SYSTEM AND UNFAMILIAR
WITH MANY OF THE PHRASES AND WORDS USED DURING HIS
PLEA HEARING. AS A RESULT THE PETITIONER WAS COERCED INTO
ENTERING A PLEA AGREEMENT UN-INTELLIGENTLY UN-KNOWINGLY
AND UN-WILLINGLY

(b) If you did not exhaust your state remedies on Ground Four, explain why: STATE COURT
REMEDIES ARE EXHAUST

(c) Direct Appeal of Ground Four:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☒ No ☐

(2) If you did not raise this issue in your direct appeal, explain why: _____

(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court? Yes ☒ No ☐

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: BOTH PETITION AND MOTIONING

Name and location of the court where the motion or petition was filed: SALT LAKE 3RD
DISTRICT TRIAL COURT AND UTAH APPEALS COURT

Docket or case number (if you know): CASE NO 090405620

Date of the court's decision: SEPTEMBER 30 - 2010

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion or petition?

Yes ☐ No ☒

(4) Did you appeal from the denial of your motion or petition?

Yes ☒ No ☐

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes ☒ No ☐

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: UTAH COURT OF APPEALS

Docket or case number (if you know): CASE NO 201005341-CIA

Date of the court's decision: JANUARY 21- 2011

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue: _____

- (e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Four: PETITION FOR WRIT OF CERTIORARI WAS FILED WITH THE SUPREME COURT OF STATE FOR UTAH

13. Please answer these additional questions about the petition you are filing:

- (a) Have all grounds for relief that you have raised in this petition been presented to the highest state court having jurisdiction? Yes ☒ No ☐

If your answer is "No," state which grounds have not been so presented and give your reason(s) for not presenting them: _____

- (b) Is there any ground in this petition that has not been presented in some state or federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them: _____

14. Have you previously filed any type of petition, application, or motion in a federal court regarding the conviction that you challenge in this petition? Yes ☐ No ☒

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, the issues raised, the date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy of any court opinion or order, if available. _____

15. Do you have any petition or appeal now pending (filed and not decided yet) in any court, either state or federal, for the judgment you are challenging? Yes ☐ No ☒

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised. _____

16. Give the name and address, if you know, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At preliminary hearing: BEVAN CORRY

(b) At arraignment and plea: CLAYTON SIMMONS 39 EXCHANGE
PLAZA SUITE 100 SALT LAKE CITY UTAH 84111

(c) At trial: BEVAN CORRY

(d) At sentencing: SIMMONS CLAYTON

(e) On appeal: BULLEN HERSCHEL 369 EAST 900 SOUTH NO 302
SALT LAKE CITY UTAH 84111

(f) In any post-conviction proceeding: 3RD TRIAL COURT DEPLEE DENIAL
THE PETITIONER HIS REQUEST FOR APPOINTMENT OF COUNSEL

(g) On appeal from any ruling against you in a post-conviction proceeding: UTAH
COURT OF APPEALS HAS AFFIRMED THE 3RD DISTRICT
TRIAL COURT THEIR DISMISSAL OF POSTCONVICTION RELIEF

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? Yes ☐ No ☒

(a) If so, give name and location of court that imposed the other sentence you will serve in the future: _____

(b) Give the date the other sentence was imposed: _____

(c) Give the length of the other sentence: _____

(d) Have you filed, or do you plan to file, any petition that challenges the judgment or sentence to be served in the future? Yes ☐ No ☒

18. TIMELINESS OF PETITION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2244(d) does not bar your petition.* THE PETITIONER HIS PETITION STILL IN PROO
CONDITION TO THE ONE-YEAR STATUTE OF LIMITATION
TIME LINE HAS NOT EXPIRE YET. THE PETITIONER HAVE
INFORMED THE U.S. DISTRICT COURT TO PLEASE NOT
DELAYING TACTICS AND PERVERT OF THE CAUSE OF JUSTICE
OR OTHERWISE DENIAL THE PETITIONER HIS PETITION OF THE
HABEAS CORPUS TO WHICH THE PETITIONER SHOULD
BE ALLOWED TO MOVE ON WITH OTHER UNITED
STATES COURT APPEALS OR THE APPEAL COURT
OF THE UNITED STATES IF THIS COURT HAS
PLAYS THE ADVERSARIAL PROCEDURE AND ABANDON
THE PETITIONER HIS PETITION PLEASE SEND THE NOTICE
OF APPEALS TO THE PETITIONER BECAUSE ENOUGH HIS
ENOUGH THE PETITIONER BELIEVE HIS PETITION HAS
AN ENOUGH SUFFICIENTLY EVIDENCE TO SATISFY
THIS COURT BUT STILL PLAYING ADVERSARIAL
ABANDONMENT THE PETITIONER NOT WRITTEN ANY
MOTION TO THE COURT AN ORDER OPPOSE THE U.S.
DISTRICT COURT PLEASE SEND THE NOTICE OF
APPEALS COURT PETITIONER CANNOT WAITING
ANY LONGER TO WHICH WILLINGLY HAS TRY ENOUGH
HIS ENOUGH NO FURTHER

* The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2244(d) provides in part that:

- (1) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of —

(continued...)

Therefore, petitioner asks that the Court grant the following relief: DNA TEST MEDICAL EXAMINER AND MEDICAL RECORD AND ALL MEDICAL MATERIAL EVIDENCE FORENSIC REPORT EVIDENCE ST MARK HOSPITAL or any other relief to which petitioner may be entitled.

Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Petition for Writ of Habeas Corpus was placed in the prison mailing system on MARCH 20 2012 (month, date, year).

Executed (signed) on 3-20-2012 (date).

JACOB MIT BOLITH
Signature of Petitioner

*(...continued)

- (A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;
 - (B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such state action;
 - (C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
 - (D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.
- (2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection.

If the person signing is not petitioner, state relationship to petitioner and explain why petitioner is not signing this petition.

JACOB M BOLITH ASK THE US-COURT
TO GRANT DA TEST MEDICAL RECORD MEDICAL EXAMINER
REPORT AND FORENSIC EVIDENCE REPORT AND STIMBARI
HOSPITAL REPORT THIS EVIDENCE WAS REQUEST THE TRIAL
COURT JUDGE HAS DENIED THEM FOR UNREASONABLE PURPOSE

JACOB M BOLITH A 43310

THIS ISSUES WHAT KIND OF TEST HAS BEEN PERFORMED ON THE EVIDENTARY
 PRIOR DURING AFTER THE CONVICTION OF THE PETITIONER AND AT THE TRIAL
 INCLUDING THE A: B: O: AND THE SEMEN TEST WAS PERFORMED
 INCLUDED THE MOUTH SWABS IN THE RAPE KIT WHAT LABORATE
 HAS FOUND THE PRESENCE OF SEMEN LIKE A AND H ANTIGENS
 WHAT LABORATE HAVE PERFORMED THIS TEST AND THOSE TEST ?

THERE IS A TEST HAS BEEN PERFORMED ON THE ITEMS OF EVIDENCE
 LIKELY BLANKET AND THE SHEET AFTER THE CONVICTION OF THE
 PETITIONER INCLUDING R: FILIE AND P: C: R AND S: T: R WHAT LABORATORY
 DID PERFORMED THOSE TEST PRIOR.